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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,331	11/06/2001	Yoichiro Sako	SONYJP 3.3-758	3841

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EXAMINER

ALLEN, WILLIAM J

ART UNIT	PAPER NUMBER
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3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/009,331	SAKO ET AL.	
	Examiner	Art Unit	
	William J. Allen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 15-17 and 48-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17, and 48-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

Claims 8-14 and 18-47 have been canceled.

Claims 1-7, 15-17, and 48-51 are pending and rejected as set forth below.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/4/2006 has been entered.

Response to Arguments

Applicant's arguments filed 12/04/2006 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-3, 15, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al (US 6615408) in view of Blatter et al. (US 5148725).**

Regarding claim 1, Kaiser teaches a system and method for purchasing products during a video product comprising:

receiving broadcast program data and information associated with a plurality of consumer commodities that appears in a broadcast program formed of the broadcast program data, the broadcast program having a predefined order, the information associated with the plurality of consumer commodities being synchronously transmitted with the broadcast program data;

reproducing the broadcast program in its predefined order from the received the program data;

displaying the reproduced broadcast program data on a displaying (see at least: abstract, col. 2 lines 60-63, col. 5 lines 22-31, col. 6 lines 18-20, Fig. 1 and 3);

selecting one of the plurality of consumer commodities while that commodity appears in the displayed broadcast program;

extracting the information associated with the selected one of the plurality of consumer commodities from the information associated with the plurality of consumer commodities (see at least: Fig. 5, col. 9 lines 46-56, Fig. 6A-6D);

storing information about the selected one of the plurality of consumer commodities while the reproduced broadcast program is being displayed so the stored information about the selected one of the plurality of consumer is accessible after the reproduced broadcast program is displayed (see at least: col. 13 lines 9-15). The Examiner further notes that “transaction information”, such as product identity, quantity, price/cost, and the like, encompasses “information about the selected product”.

Though Kaiser teaches all of the above and further teaches a “child-screen” superimposed over the broadcast program, the child screen used for navigation and purchases while the broadcast program is being displayed (see at least: col. 10 line 9-col. 11 line 8, Fig. 6C-6D), it is not explicitly taught by Kaiser that *information associated with the selected one of the plurality of consumer commodities on a child screen* is displayed in the child screen.

In the same field of endeavor, Blatter teaches a television receiver with picture-in-picture (or PIP) capability (see at least: abstract). Blatter further teaches receiving an item selection, and further displaying that item during a broadcast program by automatic activation of the PIP to show the item in the inset picture (see at least: col. 4 lines 23-30, Fig. 3). Thereby, Blatter

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teaches where *information associated with the selected one of the plurality of consumer commodities on a child screen* is displayed in the child screen.

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser to have included *information associated with the selected one of the plurality of consumer commodities on a child screen* is displayed in the child screen as taught by Blatter in order to provide a broadcaster with benefits such as selling formerly unused lines of video to a promoter, thereby generating increased profit with essentially no increase of expenditure (see at least: Blatter, col. 2 lines 29-33).

Regarding claims 2-3, 15, and 50, Kaiser in view of Blatter further teaches:

(2) *wherein the method is a method for buying the selected one of the plurality of consumer commodity* (see at least: Kaiser, col. 12 lines 29-54).

(3) *wherein the display of the image representing the selected one of the plurality of consumer commodity is displayed on a child screen of the displaying portion* (see at least: Blatter, col. 4 lines 23-30, Fig. 3).

(15) *wherein the broadcast program data and the information associated with the plurality of consumer commodities are received through a bi-directional communication network* (see at least: Kaiser, Fig. 5, col. 9 lines 46-56, Fig. 6A-6D).

(50) *wherein the broadcast program is selected from the group consisting of a broadcast dramatic program and a broadcast movie* (see at least: abstract, col. 2 lines 60-63, col. 5 lines 8-21). The Examiner notes that “video production” conceptually encompasses various types of

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broadcast programs such as dramas, movies, etc. Furthermore, even if this were not true, simply claiming various types of programs does not move to distinguish the claimed invention from the prior art as the claims are merely directed to an obvious variant of a program type and fails to relate back to and further clarify what is required by the claim (e.g. broadcasting a comedy as opposed to a drama does not change the method).

3. **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser in view of Blatter as applied to claims 1-3, 15, and 50 above, and further in view of Gaughn (US 6097383).**

Regarding claim 4, Kaiser in view of Blatter teach all of the above as noted and further teach broadcasting a program to a display such as a television as well as a method for simultaneously displaying at least a portion of the information on a child screen superimposed on the reproduced broadcast program. Kaiser in view of Blatter, however, does not expressly teach wherein the display of the image representing the selected one of the plurality of consumer commodities may be switched with a display of the information associated with the selected one of the plurality of consumer commodities on the child screen. In the same field of endeavor, Gaughn teaches *wherein the display of the image representing the selected one of the plurality of consumer commodities may be switched with a display of the information associated with the selected one of the plurality of consumer commodities on the child screen* (see at least Abstract, Col 1 line 55-Col 2 line 34, Col 11 lines 4-23). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter to have included wherein the display of the image representing the selected one of the plurality of consumer commodities may be switched with a display of the information associated with the selected one of the plurality of consumer commodities on the child screen as taught by Gaughn in order to provide a convenient way to swap between PIP screens on a web TV thus providing a distinct advantage over other web televisions (see at least Col 11 lines 4-23).

4. Claims 5-7, 16-17, and 48-49 rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser in view of Blatter as applied to claims 1-3, 15, and 50 above, and further in view of Kenney (US 6381283).

Regarding claim 5, Kaiser in view of Blatter teaches all of the above as noted but does not expressly, teach *wherein the information associated with the selected one of the plurality of consumer commodity includes information selected from at least information about a price of the selected information about a name that distinguishes the selected one of the plurality of consumer commodity*. In the field of electronic shopping, Kenney teaches a system where a user can shop via a home television for desired products (see at least: abstract, col. 4 line 65-col. 5 line 26, col. 5 line 57-col. 6 line 3). Kenney further teaches *wherein the information associated with the selected one of the plurality of consumer commodity includes information selected from at least information about a price of the selected information about a name that distinguishes the selected one of the plurality of consumer commodity* (see at least Abstract, Figures 4- 9). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter to have included *wherein the information associated with the selected one of the plurality of consumer commodity includes information selected from at least information about a price of the selected information about a name that distinguishes the selected one of the plurality of consumer commodity* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

Regarding claim 6, Kaiser in view of Blatter teaches all of the above as noted but does not expressly teach *wherein the information associated with the selected one of the plurality of consumer commodity includes information about a store from which the selected consumer commodity can be bought*. Kenney teaches an information service method, *wherein the information associated with the selected one of the plurality of consumer commodity includes information about a store from which the selected consumer commodity can be bought* (see at least Figure 3). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter to have included *wherein the information associated with the selected one of the plurality of consumer commodity includes information about a store from which the selected consumer commodity can be bought* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

Regarding claim 7, Kaiser in view of Blatter teaches all of the above as noted but does not expressly teach *wherein the information associated with the one of the plurality of consumer commodity includes information regarding how the selected one of the plurality of consumer commodity is bought through a network*. Kenney teaches *wherein the information associated with the one of the plurality of consumer commodity includes information regarding how the selected one of the plurality of consumer commodity is bought through a network* (see at least Abstract). It would have been obvious to one of ordinary skill in the art at the time of invention

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to have modified the invention of Kaiser in view of Blatter to have included *wherein the information associated with the one of the plurality of consumer commodity includes information regarding how the selected one of the plurality of consumer commodity is bought through a network* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

Regarding claim 16, Kaiser in view of Blatter teaches all of the above as noted but does not expressly teach *wherein the information associated with the selected one of the plurality of consumer commodity is data paired with bit map addresses of a display screen for the program data*. Kenney teaches *wherein the information associated with the selected one of the plurality of consumer commodity is data paired with bit map addresses of a display screen for the program data* (see at least Col 5, lines 62 - 63). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter to have included *wherein the information associated with the selected one of the plurality of consumer commodity is data paired with bit map addresses of a display screen for the program data* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

Regarding claim 17, Kaiser in view of Blatter teaches all of the above as noted but does not expressly teach *wherein the transmission of information associated with the selected consumer commodity-is transmitted so that the information is synchronized with a picture of the program data*. Kenney teaches *wherein the transmission of information associated with the selected consumer commodity-is transmitted so that the information is synchronized with a picture of the program data* (see at least Figures 4-9). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter to have included *wherein the information associated with the selected one of the plurality of consumer commodity is data paired with bit map addresses of a display screen for the program data* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

Regarding Claim 48, Kaiser in view of Blatter teaches all of the above as noted but does not expressly teach *wherein the stored information about the selected one of the plurality of consumer commodities to an external apparatus and receiving further information associated with the stored information about the selected one of the plurality of consumer commodities from the external apparatus*. Kenney *wherein the stored information about the selected one of the plurality of consumer commodities to an external apparatus and receiving further information associated with the stored information about the selected one of the plurality of consumer commodities from the external apparatus* (see at least Abstract, Col. 4 lines 4-28, Col 10 line 53 to Col 11 line 4, Figures 4-9; Note replenishment items).). It would have been obvious to one of

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ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter to have included *wherein the stored information about the selected one of the plurality of consumer commodities to an external apparatus and receiving further information associated with the stored information about the selected one of the plurality of consumer commodities from the external apparatus* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

Regarding claim 49, Kaiser in view of Blatter teaches all of the above as noted but does not expressly teach *referring to the stored information about the selected one of the plurality of consumer commodities to access further information associated with the stored information about the selected one of the plurality of consumer commodities*. Kenney teaches *referring to the stored information about the selected one of the plurality of consumer commodities to access further information associated with the stored information about the selected one of the plurality of consumer commodities* (see at least Abstract, Col. 4 lines 4-28, Col 10 line 53 to Col 11 line 4, Figures 4-9; Note replenishment items). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter to have included *referring to the stored information about the selected one of the plurality of consumer commodities to access further information associated with the stored information about the selected one of the plurality of consumer commodities* as taught by Kenney in order to provide an improved interactive electronic shopping system and method that satisfies the need for making shopping more convenient to the shopper (see at least: Kenney, col. 1 line 41-44).

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5. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser in view of Blatter as applied to claims 1-3, 15, and 50 above, and further in view of Sitnik (US 616-570).

Regarding claims 50 and 51, Kaiser in view of Blatter teaches all of the above as noted as well as *wherein the broadcast program is selected from the group consisting of a broadcast dramatic program and a broadcast movie*. Kaiser in view of Blatter, however, does not expressly teach *wherein a given portion of the information associated with at least one of the plurality of consumer commodities is further associated with a particular scene of the broadcast program*. Sitnik teaches wherein the broadcast program is selected from the group consisting of a broadcast dramatic program and a broadcast movie and *wherein a given portion of the information associated with at least one of the plurality of consumer commodities is further associated with a particular scene of the broadcast program* (see at least Abstract, Col 4 lines 17-34, Col 9 lines 44-57). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Kaiser in view of Blatter to have included *wherein a given portion of the information associated with at least one of the plurality of consumer commodities is further associated with a particular scene of the broadcast program* as taught by Sitnik in order to synchronize product placement and television commercials, thereby providing for more effective advertising (see at least Sitnik, Col 9 lines 44-57).

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 5774666 discloses a system and method for displaying uniform network resource locators embedded in time-based medium
- US 5708845 discloses a system for mapping hot spots in media content for interactive digital media program
- US 20070006267 discloses a method for allowing viewers to purchase program products

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443.

The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
February 12, 2007


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